



Rep. Greg Harris

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LRB098 18752 KTG 57139 a

1 AMENDMENT TO HOUSE BILL 4327

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4327 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do not  
16 require the holding of a closed meeting to discuss a subject

1 included within an enumerated exception.

2 (c) Exceptions. A public body may hold closed meetings to  
3 consider the following subjects:

4 (1) The appointment, employment, compensation,  
5 discipline, performance, or dismissal of specific  
6 employees of the public body or legal counsel for the  
7 public body, including hearing testimony on a complaint  
8 lodged against an employee of the public body or against  
9 legal counsel for the public body to determine its  
10 validity.

11 (2) Collective negotiating matters between the public  
12 body and its employees or their representatives, or  
13 deliberations concerning salary schedules for one or more  
14 classes of employees.

15 (3) The selection of a person to fill a public office,  
16 as defined in this Act, including a vacancy in a public  
17 office, when the public body is given power to appoint  
18 under law or ordinance, or the discipline, performance or  
19 removal of the occupant of a public office, when the public  
20 body is given power to remove the occupant under law or  
21 ordinance.

22 (4) Evidence or testimony presented in open hearing, or  
23 in closed hearing where specifically authorized by law, to  
24 a quasi-adjudicative body, as defined in this Act, provided  
25 that the body prepares and makes available for public  
26 inspection a written decision setting forth its

1           determinative reasoning.

2           (5) The purchase or lease of real property for the use  
3           of the public body, including meetings held for the purpose  
4           of discussing whether a particular parcel should be  
5           acquired.

6           (6) The setting of a price for sale or lease of  
7           property owned by the public body.

8           (7) The sale or purchase of securities, investments, or  
9           investment contracts. This exception shall not apply to the  
10          investment of assets or income of funds deposited into the  
11          Illinois Prepaid Tuition Trust Fund.

12          (8) Security procedures and the use of personnel and  
13          equipment to respond to an actual, a threatened, or a  
14          reasonably potential danger to the safety of employees,  
15          students, staff, the public, or public property.

16          (9) Student disciplinary cases.

17          (10) The placement of individual students in special  
18          education programs and other matters relating to  
19          individual students.

20          (11) Litigation, when an action against, affecting or  
21          on behalf of the particular public body has been filed and  
22          is pending before a court or administrative tribunal, or  
23          when the public body finds that an action is probable or  
24          imminent, in which case the basis for the finding shall be  
25          recorded and entered into the minutes of the closed  
26          meeting.

1           (12) The establishment of reserves or settlement of  
2           claims as provided in the Local Governmental and  
3           Governmental Employees Tort Immunity Act, if otherwise the  
4           disposition of a claim or potential claim might be  
5           prejudiced, or the review or discussion of claims, loss or  
6           risk management information, records, data, advice or  
7           communications from or with respect to any insurer of the  
8           public body or any intergovernmental risk management  
9           association or self insurance pool of which the public body  
10          is a member.

11          (13) Conciliation of complaints of discrimination in  
12          the sale or rental of housing, when closed meetings are  
13          authorized by the law or ordinance prescribing fair housing  
14          practices and creating a commission or administrative  
15          agency for their enforcement.

16          (14) Informant sources, the hiring or assignment of  
17          undercover personnel or equipment, or ongoing, prior or  
18          future criminal investigations, when discussed by a public  
19          body with criminal investigatory responsibilities.

20          (15) Professional ethics or performance when  
21          considered by an advisory body appointed to advise a  
22          licensing or regulatory agency on matters germane to the  
23          advisory body's field of competence.

24          (16) Self evaluation, practices and procedures or  
25          professional ethics, when meeting with a representative of  
26          a statewide association of which the public body is a

1 member.

2 (17) The recruitment, credentialing, discipline or  
3 formal peer review of physicians or other health care  
4 professionals for a hospital, or other institution  
5 providing medical care, that is operated by the public  
6 body.

7 (18) Deliberations for decisions of the Prisoner  
8 Review Board.

9 (19) Review or discussion of applications received  
10 under the Experimental Organ Transplantation Procedures  
11 Act.

12 (20) The classification and discussion of matters  
13 classified as confidential or continued confidential by  
14 the State Government Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed  
16 under this Act, whether for purposes of approval by the  
17 body of the minutes or semi-annual review of the minutes as  
18 mandated by Section 2.06.

19 (22) Deliberations for decisions of the State  
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal  
22 utility or the operation of a municipal power agency or  
23 municipal natural gas agency when the discussion involves  
24 (i) contracts relating to the purchase, sale, or delivery  
25 of electricity or natural gas or (ii) the results or  
26 conclusions of load forecast studies.

1 (24) Meetings of a residential health care facility  
2 resident sexual assault and death review team or the  
3 Executive Council under the Abuse Prevention Review Team  
4 Act.

5 (25) Meetings of an independent team of experts under  
6 Brian's Law.

7 (26) Meetings of a mortality review team appointed  
8 under the Department of Juvenile Justice Mortality Review  
9 Team Act.

10 (27) (Blank).

11 (28) Correspondence and records (i) that may not be  
12 disclosed under Section 11-9 of the Public Aid Code or (ii)  
13 that pertain to appeals under Section 11-8 of the Public  
14 Aid Code.

15 (29) Meetings between internal or external auditors  
16 and governmental audit committees, finance committees, and  
17 their equivalents, when the discussion involves internal  
18 control weaknesses, identification of potential fraud risk  
19 areas, known or suspected frauds, and fraud interviews  
20 conducted in accordance with generally accepted auditing  
21 standards of the United States of America.

22 (30) Those meetings or portions of meetings of a ~~an~~  
23 ~~at-risk-adult~~ fatality review team or the Illinois ~~At-Risk~~  
24 ~~Adult~~ Fatality Review Team Advisory Council during which a  
25 review of the death of an eligible adult in which abuse or  
26 neglect is suspected, alleged, or substantiated is

1 conducted pursuant to Section 15 of the Adult Protective  
2 Services Act.

3 (31) ~~(30)~~ Meetings and deliberations for decisions of  
4 the Concealed Carry Licensing Review Board under the  
5 Firearm Concealed Carry Act.

6 (d) Definitions. For purposes of this Section:

7 "Employee" means a person employed by a public body whose  
8 relationship with the public body constitutes an  
9 employer-employee relationship under the usual common law  
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the  
12 Constitution or laws of this State, the occupant of which is  
13 charged with the exercise of some portion of the sovereign  
14 power of this State. The term "public office" shall include  
15 members of the public body, but it shall not include  
16 organizational positions filled by members thereof, whether  
17 established by law or by a public body itself, that exist to  
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body  
20 charged by law or ordinance with the responsibility to conduct  
21 hearings, receive evidence or testimony and make  
22 determinations based thereon, but does not include local  
23 electoral boards when such bodies are considering petition  
24 challenges.

25 (e) Final action. No final action may be taken at a closed  
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other information  
2 that will inform the public of the business being conducted.

3 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;  
4 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.  
5 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised  
6 7-23-13.)

7 Section 10. The Freedom of Information Act is amended by  
8 changing Section 7.5 as follows:

9 (5 ILCS 140/7.5)

10 Sec. 7.5. Statutory Exemptions. To the extent provided for  
11 by the statutes referenced below, the following shall be exempt  
12 from inspection and copying:

13 (a) All information determined to be confidential under  
14 Section 4002 of the Technology Advancement and Development Act.

15 (b) Library circulation and order records identifying  
16 library users with specific materials under the Library Records  
17 Confidentiality Act.

18 (c) Applications, related documents, and medical records  
19 received by the Experimental Organ Transplantation Procedures  
20 Board and any and all documents or other records prepared by  
21 the Experimental Organ Transplantation Procedures Board or its  
22 staff relating to applications it has received.

23 (d) Information and records held by the Department of  
24 Public Health and its authorized representatives relating to

1 known or suspected cases of sexually transmissible disease or  
2 any information the disclosure of which is restricted under the  
3 Illinois Sexually Transmissible Disease Control Act.

4 (e) Information the disclosure of which is exempted under  
5 Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of the  
7 Architectural, Engineering, and Land Surveying Qualifications  
8 Based Selection Act.

9 (g) Information the disclosure of which is restricted and  
10 exempted under Section 50 of the Illinois Prepaid Tuition Act.

11 (h) Information the disclosure of which is exempted under  
12 the State Officials and Employees Ethics Act, and records of  
13 any lawfully created State or local inspector general's office  
14 that would be exempt if created or obtained by an Executive  
15 Inspector General's office under that Act.

16 (i) Information contained in a local emergency energy plan  
17 submitted to a municipality in accordance with a local  
18 emergency energy plan ordinance that is adopted under Section  
19 11-21.5-5 of the Illinois Municipal Code.

20 (j) Information and data concerning the distribution of  
21 surcharge moneys collected and remitted by wireless carriers  
22 under the Wireless Emergency Telephone Safety Act.

23 (k) Law enforcement officer identification information or  
24 driver identification information compiled by a law  
25 enforcement agency or the Department of Transportation under  
26 Section 11-212 of the Illinois Vehicle Code.

1           (1) Records and information provided to a residential  
2 health care facility resident sexual assault and death review  
3 team or the Executive Council under the Abuse Prevention Review  
4 Team Act.

5           (m) Information provided to the predatory lending database  
6 created pursuant to Article 3 of the Residential Real Property  
7 Disclosure Act, except to the extent authorized under that  
8 Article.

9           (n) Defense budgets and petitions for certification of  
10 compensation and expenses for court appointed trial counsel as  
11 provided under Sections 10 and 15 of the Capital Crimes  
12 Litigation Act. This subsection (n) shall apply until the  
13 conclusion of the trial of the case, even if the prosecution  
14 chooses not to pursue the death penalty prior to trial or  
15 sentencing.

16           (o) Information that is prohibited from being disclosed  
17 under Section 4 of the Illinois Health and Hazardous Substances  
18 Registry Act.

19           (p) Security portions of system safety program plans,  
20 investigation reports, surveys, schedules, lists, data, or  
21 information compiled, collected, or prepared by or for the  
22 Regional Transportation Authority under Section 2.11 of the  
23 Regional Transportation Authority Act or the St. Clair County  
24 Transit District under the Bi-State Transit Safety Act.

25           (q) Information prohibited from being disclosed by the  
26 Personnel Records Review Act.

1           (r) Information prohibited from being disclosed by the  
2 Illinois School Student Records Act.

3           (s) Information the disclosure of which is restricted under  
4 Section 5-108 of the Public Utilities Act.

5           (t) All identified or deidentified health information in  
6 the form of health data or medical records contained in, stored  
7 in, submitted to, transferred by, or released from the Illinois  
8 Health Information Exchange, and identified or deidentified  
9 health information in the form of health data and medical  
10 records of the Illinois Health Information Exchange in the  
11 possession of the Illinois Health Information Exchange  
12 Authority due to its administration of the Illinois Health  
13 Information Exchange. The terms "identified" and  
14 "deidentified" shall be given the same meaning as in the Health  
15 Insurance Accountability and Portability Act of 1996, Public  
16 Law 104-191, or any subsequent amendments thereto, and any  
17 regulations promulgated thereunder.

18           (u) Records and information provided to an independent team  
19 of experts under Brian's Law.

20           (v) Names and information of people who have applied for or  
21 received Firearm Owner's Identification Cards under the  
22 Firearm Owners Identification Card Act or applied for or  
23 received a concealed carry license under the Firearm Concealed  
24 Carry Act, unless otherwise authorized by the Firearm Concealed  
25 Carry Act; and databases under the Firearm Concealed Carry Act,  
26 records of the Concealed Carry Licensing Review Board under the

1 Firearm Concealed Carry Act, and law enforcement agency  
2 objections under the Firearm Concealed Carry Act.

3 (w) Personally identifiable information which is exempted  
4 from disclosure under subsection (g) of Section 19.1 of the  
5 Toll Highway Act.

6 (x) Information which is exempted from disclosure under  
7 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
8 Illinois Municipal Code.

9 (y) Confidential information under the Adult Protective  
10 Services Act and its predecessor enabling statute, the Elder  
11 Abuse and Neglect Act, including information about the identity  
12 and administrative finding against any caregiver of a verified  
13 and substantiated decision of significant abuse, neglect, or  
14 financial exploitation of an eligible adult maintained in the  
15 Department of Public Health's Health Care Worker Registry.

16 (z) Records and information provided to a ~~an at-risk adult~~  
17 fatality review team or the Illinois ~~At Risk Adult~~ Fatality  
18 Review Team Advisory Council under Section 15 of the Adult  
19 Protective Services Act.

20 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
21 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
22 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

23 Section 15. The Adult Protective Services Act is amended by  
24 changing Sections 2, 3.5, 4, 5, 7.5, 8, 9, 13, and 15 as  
25 follows:

1 (320 ILCS 20/2) (from Ch. 23, par. 6602)

2 Sec. 2. Definitions. As used in this Act, unless the  
3 context requires otherwise:

4 (a) "Abuse" means causing any physical, mental or sexual  
5 injury to an eligible adult, including exploitation of such  
6 adult's financial resources.

7 Nothing in this Act shall be construed to mean that an  
8 eligible adult is a victim of abuse, neglect, or self-neglect  
9 for the sole reason that he or she is being furnished with or  
10 relies upon treatment by spiritual means through prayer alone,  
11 in accordance with the tenets and practices of a recognized  
12 church or religious denomination.

13 Nothing in this Act shall be construed to mean that an  
14 eligible adult is a victim of abuse because of health care  
15 services provided or not provided by licensed health care  
16 professionals.

17 (a-5) "Abuser" means a person who abuses, neglects, or  
18 financially exploits an eligible adult.

19 (a-6) "Adult with disabilities" means a person aged 18  
20 through 59 who resides in a domestic living situation and whose  
21 disability as defined in subsection (c-5) impairs his or her  
22 ability to seek or obtain protection from abuse, neglect, or  
23 exploitation.

24 (a-7) "Caregiver" means a person who either as a result of  
25 a family relationship, voluntarily, or in exchange for

1 compensation has assumed responsibility for all or a portion of  
2 the care of an eligible adult who needs assistance with  
3 activities of daily living.

4 (b) "Department" means the Department on Aging of the State  
5 of Illinois.

6 (c) "Director" means the Director of the Department.

7 (c-5) "Disability" means a physical or mental disability,  
8 including, but not limited to, a developmental disability, an  
9 intellectual disability, a mental illness as defined under the  
10 Mental Health and Developmental Disabilities Code, or dementia  
11 as defined under the Alzheimer's Disease Assistance Act.

12 (d) "Domestic living situation" means a residence where the  
13 eligible adult at the time of the report lives alone or with  
14 his or her family or a caregiver, or others, or other  
15 community-based unlicensed facility, but is not:

16 (1) A licensed facility as defined in Section 1-113 of  
17 the Nursing Home Care Act;

18 (1.5) A facility licensed under the ID/DD Community  
19 Care Act;

20 (1.7) A facility licensed under the Specialized Mental  
21 Health Rehabilitation Act of 2013;

22 (2) A "life care facility" as defined in the Life Care  
23 Facilities Act;

24 (3) A home, institution, or other place operated by the  
25 federal government or agency thereof or by the State of  
26 Illinois;

1           (4) A hospital, sanitarium, or other institution, the  
2           principal activity or business of which is the diagnosis,  
3           care, and treatment of human illness through the  
4           maintenance and operation of organized facilities  
5           therefor, which is required to be licensed under the  
6           Hospital Licensing Act;

7           (5) A "community living facility" as defined in the  
8           Community Living Facilities Licensing Act;

9           (6) (Blank);

10          (7) A "community-integrated living arrangement" as  
11          defined in the Community-Integrated Living Arrangements  
12          Licensure and Certification Act or a "community  
13          residential alternative" as licensed under that Act;

14          (8) An assisted living or shared housing establishment  
15          as defined in the Assisted Living and Shared Housing Act;  
16          or

17          (9) A supportive living facility as described in  
18          Section 5-5.01a of the Illinois Public Aid Code.

19          (e) "Eligible adult" means either an adult with  
20          disabilities aged 18 through 59 or a person aged 60 or older  
21          who resides in a domestic living situation and is, or is  
22          alleged to be, abused, neglected, or financially exploited by  
23          another individual or who neglects himself or herself.

24          (f) "Emergency" means a situation in which an eligible  
25          adult is living in conditions presenting a risk of death or  
26          physical, mental or sexual injury and the provider agency has

1 reason to believe the eligible adult is unable to consent to  
2 services which would alleviate that risk.

3 (f-1) "Financial exploitation" means the use of an eligible  
4 adult's resources by another to the disadvantage of that adult  
5 or the profit or advantage of a person other than that adult.

6 (f-5) "Mandated reporter" means any of the following  
7 persons while engaged in carrying out their professional  
8 duties:

9 (1) a professional or professional's delegate while  
10 engaged in: (i) social services, (ii) law enforcement,  
11 (iii) education, (iv) the care of an eligible adult or  
12 eligible adults, or (v) any of the occupations required to  
13 be licensed under the Clinical Psychologist Licensing Act,  
14 the Clinical Social Work and Social Work Practice Act, the  
15 Illinois Dental Practice Act, the Dietitian Nutritionist  
16 Practice Act, the Marriage and Family Therapy Licensing  
17 Act, the Medical Practice Act of 1987, the Naprapathic  
18 Practice Act, the Nurse Practice Act, the Nursing Home  
19 Administrators Licensing and Disciplinary Act, the  
20 Illinois Occupational Therapy Practice Act, the Illinois  
21 Optometric Practice Act of 1987, the Pharmacy Practice Act,  
22 the Illinois Physical Therapy Act, the Physician Assistant  
23 Practice Act of 1987, the Podiatric Medical Practice Act of  
24 1987, the Respiratory Care Practice Act, the Professional  
25 Counselor and Clinical Professional Counselor Licensing  
26 and Practice Act, the Illinois Speech-Language Pathology

1 and Audiology Practice Act, the Veterinary Medicine and  
2 Surgery Practice Act of 2004, and the Illinois Public  
3 Accounting Act;

4 (1.5) an employee of an entity providing developmental  
5 disabilities services or service coordination funded by  
6 the Department of Human Services;

7 (2) an employee of a vocational rehabilitation  
8 facility prescribed or supervised by the Department of  
9 Human Services;

10 (3) an administrator, employee, or person providing  
11 services in or through an unlicensed community based  
12 facility;

13 (4) any religious practitioner who provides treatment  
14 by prayer or spiritual means alone in accordance with the  
15 tenets and practices of a recognized church or religious  
16 denomination, except as to information received in any  
17 confession or sacred communication enjoined by the  
18 discipline of the religious denomination to be held  
19 confidential;

20 (5) field personnel of the Department of Healthcare and  
21 Family Services, Department of Public Health, and  
22 Department of Human Services, and any county or municipal  
23 health department;

24 (6) personnel of the Department of Human Services, the  
25 Guardianship and Advocacy Commission, the State Fire  
26 Marshal, local fire departments, the Department on Aging

1 and its subsidiary Area Agencies on Aging and provider  
2 agencies, and the Office of State Long Term Care Ombudsman;

3 (7) any employee of the State of Illinois not otherwise  
4 specified herein who is involved in providing services to  
5 eligible adults, including professionals providing medical  
6 or rehabilitation services and all other persons having  
7 direct contact with eligible adults;

8 (8) a person who performs the duties of a coroner or  
9 medical examiner; or

10 (9) a person who performs the duties of a paramedic or  
11 an emergency medical technician.

12 (g) "Neglect" means another individual's failure to  
13 provide an eligible adult with or willful withholding from an  
14 eligible adult the necessities of life including, but not  
15 limited to, food, clothing, shelter or health care. This  
16 subsection does not create any new affirmative duty to provide  
17 support to eligible adults. Nothing in this Act shall be  
18 construed to mean that an eligible adult is a victim of neglect  
19 because of health care services provided or not provided by  
20 licensed health care professionals.

21 (h) "Provider agency" means any public or nonprofit agency  
22 in a planning and service area that is selected by the  
23 Department or appointed by the regional administrative agency  
24 with prior approval by the Department on Aging to receive and  
25 assess reports of alleged or suspected abuse, neglect, or  
26 financial exploitation. A provider agency is also referenced as

1 a "designated agency" in this Act.

2 (i) "Regional administrative agency" means any public or  
3 nonprofit agency in a planning and service area that provides  
4 regional oversight and performs functions as set forth in  
5 subsection (b) of Section 3 of this Act. The Department may  
6 serve as the regional administrative agency or it may designate  
7 an Area Agency on Aging or another qualified entity to serve as  
8 the regional administrative agency; such designation shall be  
9 subject to terms set forth by the Department. ~~so designated by~~  
10 ~~the Department, provided that the designated Area Agency on~~  
11 ~~Aging shall be designated the regional administrative agency if~~  
12 ~~it so requests. The Department shall assume the functions of~~  
13 ~~the regional administrative agency for any planning and service~~  
14 ~~area where another agency is not so designated.~~

15 (i-5) "Self-neglect" means a condition that is the result  
16 of an eligible adult's inability, due to physical or mental  
17 impairments, or both, or a diminished capacity, to perform  
18 essential self-care tasks that substantially threaten his or  
19 her own health, including: providing essential food, clothing,  
20 shelter, and health care; and obtaining goods and services  
21 necessary to maintain physical health, mental health,  
22 emotional well-being, and general safety. The term includes  
23 compulsive hoarding, which is characterized by the acquisition  
24 and retention of large quantities of items and materials that  
25 produce an extensively cluttered living space, which  
26 significantly impairs the performance of essential self-care

1 tasks or otherwise substantially threatens life or safety.

2 (j) "Substantiated case" means a reported case of alleged  
3 or suspected abuse, neglect, financial exploitation, or  
4 self-neglect in which a provider agency, after assessment,  
5 determines that there is reason to believe abuse, neglect, or  
6 financial exploitation has occurred.

7 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300,  
8 eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12;  
9 97-1141, eff. 12-28-12; 98-49, eff. 7-1-13; 98-104, eff.  
10 7-22-13; revised 9-19-13.)

11 (320 ILCS 20/3.5)

12 Sec. 3.5. Other Responsibilities. The Department shall  
13 also be responsible for the following activities, contingent  
14 upon adequate funding; implementation shall be expanded to  
15 adults with disabilities upon the effective date of this  
16 amendatory Act of the 98th General Assembly, except those  
17 responsibilities under subsection (a), which shall be  
18 undertaken as soon as practicable:

19 (a) promotion of a wide range of endeavors for the  
20 purpose of preventing abuse, neglect, financial  
21 exploitation, and self-neglect, including, but not limited  
22 to, promotion of public and professional education to  
23 increase awareness of abuse, neglect, financial  
24 exploitation, and self-neglect; to increase reports; to  
25 establish access to and use of the ~~Health Care Worker~~

1 Registry established under Section 7.5; and to improve  
2 response by various legal, financial, social, and health  
3 systems;

4 (b) coordination of efforts with other agencies,  
5 councils, and like entities, to include but not be limited  
6 to, the Administrative Office of the Illinois Courts, the  
7 Office of the Attorney General, the State Police, the  
8 Illinois Law Enforcement Training Standards Board, the  
9 State Triad, the Illinois Criminal Justice Information  
10 Authority, the Departments of Public Health, Healthcare  
11 and Family Services, and Human Services, the Illinois  
12 Guardianship and Advocacy Commission, the Family Violence  
13 Coordinating Council, the Illinois Violence Prevention  
14 Authority, and other entities which may impact awareness  
15 of, and response to, abuse, neglect, financial  
16 exploitation, and self-neglect;

17 (c) collection and analysis of data;

18 (d) monitoring of the performance of regional  
19 administrative agencies and adult protective services  
20 agencies;

21 (e) promotion of prevention activities;

22 (f) establishing and coordinating an aggressive  
23 training program on the unique nature of adult abuse cases  
24 with other agencies, councils, and like entities, to  
25 include but not be limited to the Office of the Attorney  
26 General, the State Police, the Illinois Law Enforcement

1 Training Standards Board, the State Triad, the Illinois  
2 Criminal Justice Information Authority, the State  
3 Departments of Public Health, Healthcare and Family  
4 Services, and Human Services, the Family Violence  
5 Coordinating Council, the Illinois Violence Prevention  
6 Authority, the agency designated by the Governor under  
7 Section 1 of the Protection and Advocacy for  
8 Developmentally Disabled Persons Act, and other entities  
9 that may impact awareness of and response to abuse,  
10 neglect, financial exploitation, and self-neglect;

11 (g) solicitation of financial institutions for the  
12 purpose of making information available to the general  
13 public warning of financial exploitation of adults and  
14 related financial fraud or abuse, including such  
15 information and warnings available through signage or  
16 other written materials provided by the Department on the  
17 premises of such financial institutions, provided that the  
18 manner of displaying or distributing such information is  
19 subject to the sole discretion of each financial  
20 institution;

21 (g-1) developing by joint rulemaking with the  
22 Department of Financial and Professional Regulation  
23 minimum training standards which shall be used by financial  
24 institutions for their current and new employees with  
25 direct customer contact; the Department of Financial and  
26 Professional Regulation shall retain sole visitation and

1 enforcement authority under this subsection (g-1); the  
2 Department of Financial and Professional Regulation shall  
3 provide bi-annual reports to the Department setting forth  
4 aggregate statistics on the training programs required  
5 under this subsection (g-1); and

6 (h) coordinating efforts with utility and electric  
7 companies to send notices in utility bills to explain to  
8 persons 60 years of age or older their rights regarding  
9 telemarketing and home repair fraud.

10 (Source: P.A. 98-49, eff. 7-1-13.)

11 (320 ILCS 20/4) (from Ch. 23, par. 6604)

12 Sec. 4. Reports of abuse or neglect.

13 (a) Any person who suspects the abuse, neglect, financial  
14 exploitation, or self-neglect of an eligible adult may report  
15 this suspicion to an agency designated to receive such reports  
16 under this Act or to the Department.

17 (a-5) If any mandated reporter has reason to believe that  
18 an eligible adult, who because of a disability or other  
19 condition or impairment is unable to seek assistance for  
20 himself or herself, has, within the previous 12 months, been  
21 subjected to abuse, neglect, or financial exploitation, the  
22 mandated reporter shall, within 24 hours after developing such  
23 belief, report this suspicion to an agency designated to  
24 receive such reports under this Act or to the Department. The  
25 agency designated to receive such reports under this Act or the

1 Department may establish a manner in which a mandated reporter  
2 can make the required report through an Internet reporting  
3 tool. Information sent and received through the Internet  
4 reporting tool is subject to the same rules in this Act as  
5 other types of confidential reporting established by the  
6 designated agency or the Department. Whenever a mandated  
7 reporter is required to report under this Act in his or her  
8 capacity as a member of the staff of a medical or other public  
9 or private institution, facility, or agency, he or she shall  
10 make a report to an agency designated to receive such reports  
11 under this Act or to the Department in accordance with the  
12 provisions of this Act and may also notify the person in charge  
13 of the institution, facility, ~~board and care home,~~ or agency or  
14 his or her designated agent that the report has been made.  
15 Under no circumstances shall any person in charge of such  
16 institution, facility, ~~board and care home,~~ or agency, or his  
17 or her designated agent to whom the notification has been made,  
18 exercise any control, restraint, modification, or other change  
19 in the report or the forwarding of the report to an agency  
20 designated to receive such reports under this Act or to the  
21 Department. The privileged quality of communication between  
22 any professional person required to report and his or her  
23 patient or client shall not apply to situations involving  
24 abused, neglected, or financially exploited eligible adults  
25 and shall not constitute grounds for failure to report as  
26 required by this Act.

1           (a-7) A person making a report under this Act in the belief  
2 that it is in the alleged victim's best interest shall be  
3 immune from criminal or civil liability or professional  
4 disciplinary action on account of making the report,  
5 notwithstanding any requirements concerning the  
6 confidentiality of information with respect to such eligible  
7 adult which might otherwise be applicable.

8           (a-9) Law enforcement officers shall continue to report  
9 incidents of alleged abuse pursuant to the Illinois Domestic  
10 Violence Act of 1986, notwithstanding any requirements under  
11 this Act.

12           (b) Any person, institution or agency participating in the  
13 making of a report, providing information or records related to  
14 a report, assessment, or services, or participating in the  
15 investigation of a report under this Act in good faith, or  
16 taking photographs or x-rays as a result of an authorized  
17 assessment, shall have immunity from any civil, criminal or  
18 other liability in any civil, criminal or other proceeding  
19 brought in consequence of making such report or assessment or  
20 on account of submitting or otherwise disclosing such  
21 photographs or x-rays to any agency designated to receive  
22 reports of alleged or suspected abuse or neglect. Any person,  
23 institution or agency authorized by the Department to provide  
24 assessment, intervention, or administrative services under  
25 this Act shall, in the good faith performance of those  
26 services, have immunity from any civil, criminal or other

1 liability in any civil, criminal, or other proceeding brought  
2 as a consequence of the performance of those services. For the  
3 purposes of any civil, criminal, or other proceeding, the good  
4 faith of any person required to report, permitted to report, or  
5 participating in an investigation of a report of alleged or  
6 suspected abuse, neglect, financial exploitation, or  
7 self-neglect shall be presumed.

8 (c) The identity of a person making a report of alleged or  
9 suspected abuse, neglect, financial exploitation, or  
10 self-neglect under this Act may be disclosed by the Department  
11 or other agency provided for in this Act only with such  
12 person's written consent or by court order, but is otherwise  
13 confidential.

14 (d) The Department shall by rule establish a system for  
15 filing and compiling reports made under this Act.

16 (e) Any physician who willfully fails to report as required  
17 by this Act shall be referred to the Illinois State Medical  
18 Disciplinary Board for action in accordance with subdivision  
19 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any  
20 dentist or dental hygienist who willfully fails to report as  
21 required by this Act shall be referred to the Department of  
22 Professional Regulation for action in accordance with  
23 paragraph 19 of Section 23 of the Illinois Dental Practice Act.  
24 Any optometrist who willfully fails to report as required by  
25 this Act shall be referred to the Department of Financial and  
26 Professional Regulation for action in accordance with

1 paragraph (15) of subsection (a) of Section 24 of the Illinois  
2 Optometric Practice Act of 1987. Any other mandated reporter  
3 required by this Act to report suspected abuse, neglect, or  
4 financial exploitation who willfully fails to report the same  
5 is guilty of a Class A misdemeanor.

6 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13.)

7 (320 ILCS 20/5) (from Ch. 23, par. 6605)

8 Sec. 5. Procedure.

9 (a) A provider agency designated to receive reports of  
10 alleged or suspected abuse, neglect, financial exploitation,  
11 or self-neglect under this Act shall, upon receiving such a  
12 report, conduct a face-to-face assessment with respect to such  
13 report, in accord with established law and Department  
14 protocols, procedures, and policies. Face-to-face assessments,  
15 casework, and follow-up of reports of self-neglect by the  
16 provider agencies designated to receive reports of  
17 self-neglect shall be subject to sufficient appropriation for  
18 statewide implementation of assessments, casework, and  
19 follow-up of reports of self-neglect. In the absence of  
20 sufficient appropriation for statewide implementation of  
21 assessments, casework, and follow-up of reports of  
22 self-neglect, the designated adult protective services  
23 provider agency shall refer all reports of self-neglect to the  
24 appropriate agency or agencies as designated by the Department  
25 for any follow-up. The assessment shall include, but not be

1 limited to, a visit to the residence of the eligible adult who  
2 is the subject of the report and may include interviews or  
3 consultations with service agencies or individuals who may have  
4 knowledge of the eligible adult's circumstances. If, after the  
5 assessment, the provider agency determines that the case is  
6 substantiated it shall develop a service care plan for the  
7 eligible adult and may report its findings at any time during  
8 the case to the appropriate law enforcement agency in accord  
9 with established law and Department protocols, procedures, and  
10 policies. In developing a case plan, the provider agency may  
11 consult with any other appropriate provider of services, and  
12 such providers shall be immune from civil or criminal liability  
13 on account of such acts. The plan shall include alternative  
14 suggested or recommended services which are appropriate to the  
15 needs of the eligible adult and which involve the least  
16 restriction of the eligible adult's activities commensurate  
17 with his or her needs. Only those services to which consent is  
18 provided in accordance with Section 9 of this Act shall be  
19 provided, contingent upon the availability of such services.

20 (b) A provider agency shall refer evidence of crimes  
21 against an eligible adult to the appropriate law enforcement  
22 agency according to Department policies. A referral to law  
23 enforcement may be made at intake or any time during the case.  
24 Where a provider agency has reason to believe the death of an  
25 eligible adult may be the result of abuse or neglect, the  
26 agency shall immediately report the matter to the coroner or

1 medical examiner and shall cooperate fully with any subsequent  
2 investigation.

3 (c) If any person other than the alleged victim refuses to  
4 allow the provider agency to begin an investigation, interferes  
5 with the provider agency's ability to conduct an investigation,  
6 or refuses to give access to an eligible adult, the appropriate  
7 law enforcement agency must be consulted regarding the  
8 investigation.

9 (Source: P.A. 98-49, eff. 7-1-13.)

10 (320 ILCS 20/7.5)

11 Sec. 7.5. ~~Health Care Worker~~ Registry.

12 (a) To protect individuals receiving in-home and  
13 community-based services, the Department on Aging shall  
14 establish a Registry effective January 1, 2015.

15 (a-5) The Registry shall identify individuals against whom  
16 a verified and substantiated finding was made under this Act of  
17 significant abuse, neglect, or financial exploitation while  
18 working for or compensated with public funds from certain  
19 agencies of the State or while working for a provider that is  
20 licensed, certified, or regulated by, or paid with public funds  
21 from these agencies as set forth in subsection (a-10) of this  
22 Section.

23 The information in the Registry shall be confidential  
24 except as specifically authorized in this Act and shall not be  
25 deemed a public record.

1        (a-10) ~~(a)~~ Reporting to the Registry. The Department on  
2 Aging shall report to the ~~to the Department of Public Health's~~  
3 ~~Health Care Worker~~ Registry the identity of the caregiver when  
4 a ~~and administrative~~ finding of a verified and substantiated  
5 decision of significant abuse, neglect, or financial  
6 exploitation of an eligible adult under this Act ~~that~~ is made  
7 against a caregiver who works for, is regulated by, or  
8 compensated with public funds from the Department on Aging, the  
9 Department of Healthcare and Family Services, the Department of  
10 Human Services, or the Department of Public Health or who works  
11 for any caregiver , including consultants and volunteers,  
12 ~~employed by~~ a provider licensed, certified, or regulated by, or  
13 paid with public funds from any of these State agencies, the  
14 ~~Department of Public Health, Healthcare and Family Services, or~~  
15 ~~Human Services, or the Department on Aging. For uncompensated~~  
16 ~~or privately paid caregivers, the Department on Aging shall~~  
17 ~~report only a verified and substantiated decision of~~  
18 ~~significant abuse, neglect, or financial exploitation of an~~  
19 ~~eligible adult under this Act.~~

20        A ~~An administrative~~ finding against a caregiver that is  
21 placed in the Registry shall preclude that ~~any~~ caregiver from  
22 providing direct care, as defined in this Section ~~access or~~  
23 ~~other services, including consulting and volunteering,~~ in a  
24 position with the Department on Aging, the Department of  
25 Healthcare and Family Services, the Department of Human  
26 Services, or the Department of Public Health or providers

1 ~~thereof as described in this subsection a provider that is~~  
2 ~~licensed, certified, or regulated by, or paid with public funds~~  
3 ~~from or on behalf of, the State of Illinois or any Department~~  
4 ~~thereof, that permits the caregiver direct access to an adult~~  
5 ~~aged 60 or older or an adult, over 18, with a disability or to~~  
6 ~~that individual's living quarters or personal, financial, or~~  
7 ~~medical records.~~

8 (b) Definitions. As used in this Section:

9 "Direct care" includes, but is not limited to, direct  
10 access to a person aged 60 or older or to an adult with  
11 disabilities aged 18 through 59 ~~to an individual,~~ his or her  
12 living quarters, or his or her personal, financial, or medical  
13 records for the purpose of providing nursing care or assistance  
14 with feeding, dressing, movement, bathing, toileting, other  
15 personal needs and activities of daily living, or assistance  
16 with financial transactions.

17 ~~"Privately paid caregiver" means any caregiver who has been~~  
18 ~~paid with resources other than public funds, regardless of~~  
19 ~~licensure, certification, or regulation by the State of~~  
20 ~~Illinois and any Department thereof. A privately paid caregiver~~  
21 ~~does not include any caregiver that has been licensed,~~  
22 ~~certified, or regulated by a State agency, or paid with public~~  
23 ~~funds.~~

24 "Significant" means a finding of abuse, neglect, or  
25 financial exploitation as determined by the Department that (i)  
26 represents a substantial ~~meaningful~~ failure to adequately

1 provide for, or a material indifference to, the financial,  
2 health, safety, or medical needs of an eligible adult or (ii)  
3 results in an eligible adult's death or other serious  
4 deterioration of an eligible adult's financial resources,  
5 physical condition, or mental condition.

6 ~~"Uncompensated caregiver" means a caregiver who, in an~~  
7 ~~informal capacity, assists an eligible adult with activities of~~  
8 ~~daily living, financial transactions, or chore housekeeping~~  
9 ~~type duties. "Uncompensated caregiver" does not refer to an~~  
10 ~~individual serving in a formal capacity as a volunteer with a~~  
11 ~~provider licensed, certified, or regulated by a State agency.~~

12 (c) Access to and use of the Registry. Access to the  
13 Registry shall be limited to the Department on Aging, the  
14 Department of Healthcare and Family Services, the Department of  
15 Human Services, and the Department of Public Health and  
16 providers of direct care as described in subsection (a-10) of  
17 this Section. These State agencies and providers licensed,  
18 ~~certified, or regulated providers by the Department of Public~~  
19 ~~Health, Healthcare and Family Service, or Human Services, or~~  
20 ~~the Department on Aging. The State of Illinois, any Department~~  
21 ~~thereof, or a provider licensed, certified, or regulated, or~~  
22 ~~paid with public funds by, from, or on behalf of the Department~~  
23 ~~of Public Health, Healthcare and Family Services, or Human~~  
24 ~~Services, or the Department on Aging, shall not hire, or~~  
25 compensate, or utilize the services of any person seeking  
26 ~~employment, retain any contractors, or accept any volunteers to~~

1 provide direct care without first conducting an online check of  
2 whether the person has been placed on the Registry ~~the person~~  
3 ~~through the Department of Public Health's Health Care Worker~~  
4 ~~Registry.~~ These State agencies and providers ~~The provider~~ shall  
5 maintain a copy of the results of the online check to  
6 demonstrate compliance with this requirement. These State  
7 agencies and providers are ~~The provider is~~ prohibited from  
8 retaining, hiring, compensating, or utilizing the services of  
9 accepting a person to provide direct care if, ~~including as a~~  
10 ~~consultant or volunteer, for whom~~ the online check of the  
11 person reveals a verified and substantiated claim of  
12 significant abuse, neglect, or financial exploitation or when  
13 they otherwise gain knowledge of such a finding ~~, to provide~~  
14 ~~direct access to any adult aged 60 or older or any adult, over~~  
15 ~~18, with a disability. Additionally, a provider is prohibited~~  
16 ~~from retaining a person for whom they gain knowledge of a~~  
17 ~~verified and substantiated claim of abuse, neglect, or~~  
18 ~~financial exploitation in a position that permits the caregiver~~  
19 ~~direct access to provide direct care to any adult aged 60 or~~  
20 ~~older or any adult, over 18, with a disability or direct access~~  
21 ~~to that individual's living quarters or personal, financial, or~~  
22 ~~medical records.~~ Failure to comply with this requirement may  
23 subject such a provider to corrective action by the appropriate  
24 regulatory agency or other lawful remedies provided under the  
25 applicable licensure, certification, or regulatory laws and  
26 rules.

1 (d) Notice to caregiver. The Department on Aging shall  
2 establish rules concerning notice to the caregiver in cases of  
3 a verified and substantiated finding of significant abuse,  
4 neglect, or financial exploitation against him or her.

5 (e) Notification to eligible adults, guardians, or agents.  
6 As part of its investigation, the Department on Aging shall  
7 notify an eligible adult, or an eligible adult's guardian or  
8 agent, that his or her ~~a~~ caregiver's name may be placed on the  
9 Registry based on a finding as described in subsection (a-10)  
10 ~~(a-1)~~ of this Section.

11 (f) Notification to employer. The Department on Aging shall  
12 notify the appropriate State agency or provider of direct care,  
13 when ~~A provider licensed, certified, or regulated by the~~  
14 ~~Department of Public Health, Healthcare and Family Services, or~~  
15 ~~Human Services, or the Department on Aging shall be notified of~~  
16 ~~an administrative finding against any caregiver who is an~~  
17 ~~employee, consultant, or volunteer of a verified and~~  
18 substantiated finding decision of significant abuse, neglect,  
19 or financial exploitation of an eligible adult under this Act  
20 is made against a caregiver. If there is an imminent risk of  
21 danger to the eligible adult or an imminent risk of misuse of  
22 personal, medical, or financial information, the caregiver  
23 shall immediately be barred from providing direct care or  
24 having direct access to the eligible adult, ~~his or her living~~  
25 ~~quarters, or his or her personal, financial, or medical~~  
26 ~~records,~~ pending the outcome of any challenge, criminal

1 prosecution, or other type of collateral action.

2 (g) Caregiver challenges. The Department on Aging shall  
3 establish, by rule, procedures concerning caregiver challenges  
4 to placement on the Registry.

5 (h) Caregiver's rights to collateral action. The  
6 Department on Aging shall not make any report to the Registry  
7 if a caregiver notifies the Department in writing, ~~including~~  
8 ~~any supporting documentation,~~ that he or she is formally  
9 challenging an adverse employment action resulting from a  
10 verified and substantiated finding of significant abuse,  
11 neglect, or financial exploitation by complaint filed with the  
12 Illinois Civil Service Commission, or by another means which  
13 seeks to enforce the caregiver's rights pursuant to any  
14 applicable collective bargaining agreement. If an action taken  
15 by an employer against a caregiver as a result of a finding of  
16 significant abuse, neglect, or financial exploitation is  
17 overturned through an action filed with the Illinois Civil  
18 Service Commission or under any applicable collective  
19 bargaining agreement after that caregiver's name has already  
20 been sent to the Registry, the caregiver's name shall be  
21 removed from the Registry.

22 (i) Removal from Registry. At any time after a report to  
23 the Registry, but no more than once in each successive 3-year  
24 period thereafter, for a maximum of 3 such requests, a  
25 caregiver may ~~write to the Director of the Department on Aging~~  
26 ~~to~~ request removal of his or her name from the Registry in

1 relationship to a single incident. The caregiver shall bear the  
2 burden of establishing ~~showing cause that establishes~~, by a  
3 preponderance of the evidence, that removal of his or her name  
4 from the Registry is in the public interest. Upon receiving  
5 such a request, the Department on Aging shall conduct an  
6 investigation and consider any evidentiary material provided.  
7 The Department shall issue a decision either granting or  
8 denying removal ~~within 60 calendar days, and shall issue such~~  
9 ~~decision~~ to the caregiver and report it to the Registry. ~~The~~  
10 ~~waiver process at the Department of Public Health does not~~  
11 ~~apply to Registry reports from the Department on Aging~~. The  
12 Department ~~on Aging~~ shall establish standards for requesting  
13 the removal of a name from the Registry by rule.

14 (j) Referral of Registry reports to health care facilities.  
15 In the event an eligible adult receiving services from a  
16 provider agency changes his or her residence from a domestic  
17 living situation to that of a health care or long term care  
18 facility, the provider agency shall use reasonable efforts to  
19 promptly inform the ~~health care~~ facility and the appropriate  
20 Regional Long Term Care Ombudsman about any Registry reports  
21 relating to the eligible adult. For purposes of this Section, a  
22 health care and long term care facility includes, but is not  
23 limited to, any residential facility licensed, certified, or  
24 regulated by the Department of Public Health, Healthcare and  
25 Family Services, or Human Services.

26 (k) The Department on Aging shall have immunity from any

1 liability, civil or criminal, for reporting information to the  
2 Registry.

3 (Source: P.A. 98-49, eff. 1-1-14; revised 11-12-13.)

4 (320 ILCS 20/8) (from Ch. 23, par. 6608)

5 Sec. 8. Access to records. All records concerning reports  
6 of abuse, neglect, financial exploitation, or self-neglect and  
7 all records generated as a result of such reports shall be  
8 confidential and shall not be disclosed except as specifically  
9 authorized by this Act or other applicable law. In accord with  
10 established law and Department protocols, procedures, and  
11 policies, access to such records, but not access to the  
12 identity of the person or persons making a report of alleged  
13 abuse, neglect, financial exploitation, or self-neglect as  
14 contained in such records, shall be provided, upon request, to  
15 the following persons and for the following persons:

16 (1) Department staff, provider agency staff, other  
17 aging network staff, and regional administrative agency  
18 staff, including staff of the Chicago Department on Aging  
19 while that agency is designated as a regional  
20 administrative agency, in the furtherance of their  
21 responsibilities under this Act;

22 (2) A law enforcement agency investigating known or  
23 suspected abuse, neglect, financial exploitation, or  
24 self-neglect. Where a provider agency has reason to believe  
25 that the death of an eligible adult may be the result of

1 abuse or neglect, including any reports made after death,  
2 the agency shall immediately provide the appropriate law  
3 enforcement agency with all records pertaining to the  
4 eligible adult;

5 (2.5) A law enforcement agency, fire department  
6 agency, or fire protection district having proper  
7 jurisdiction pursuant to a written agreement between a  
8 provider agency and the law enforcement agency, fire  
9 department agency, or fire protection district under which  
10 the provider agency may furnish to the law enforcement  
11 agency, fire department agency, or fire protection  
12 district a list of all eligible adults who may be at  
13 imminent risk of abuse, neglect, financial exploitation,  
14 or self-neglect;

15 (3) A physician who has before him or her or who is  
16 involved in the treatment of an eligible adult whom he or  
17 she reasonably suspects may be abused, neglected,  
18 financially exploited, or self-neglected or who has been  
19 referred to the Adult Protective Services Program;

20 (4) An eligible adult reported to be abused, neglected,  
21 financially exploited, or self-neglected, or such adult's  
22 authorized guardian or agent, unless such guardian or agent  
23 is the abuser or the alleged abuser;

24 (4.5) An executor or administrator of the estate of an  
25 eligible adult who is deceased;

26 (5) In cases regarding abuse, neglect, or financial

1 exploitation, a court or a guardian ad litem, upon its or  
2 his or her finding that access to such records may be  
3 necessary for the determination of an issue before the  
4 court. However, such access shall be limited to an in  
5 camera inspection of the records, unless the court  
6 determines that disclosure of the information contained  
7 therein is necessary for the resolution of an issue then  
8 pending before it;

9 (5.5) In cases regarding self-neglect, a guardian ad  
10 litem;

11 (6) A grand jury, upon its determination that access to  
12 such records is necessary in the conduct of its official  
13 business;

14 (7) Any person authorized by the Director, in writing,  
15 for audit or bona fide research purposes;

16 (8) A coroner or medical examiner who has reason to  
17 believe that an eligible adult has died as the result of  
18 abuse, neglect, financial exploitation, or self-neglect.  
19 The provider agency shall immediately provide the coroner  
20 or medical examiner with all records pertaining to the  
21 eligible adult;

22 (8.5) A coroner or medical examiner having proper  
23 jurisdiction, pursuant to a written agreement between a  
24 provider agency and the coroner or medical examiner, under  
25 which the provider agency may furnish to the office of the  
26 coroner or medical examiner a list of all eligible adults

1 who may be at imminent risk of death as a result of abuse,  
2 neglect, financial exploitation, or self-neglect;

3 (9) Department of Financial and Professional  
4 Regulation staff and members of the Illinois Medical  
5 Disciplinary Board or the Social Work Examining and  
6 Disciplinary Board in the course of investigating alleged  
7 violations of the Clinical Social Work and Social Work  
8 Practice Act by provider agency staff or other licensing  
9 bodies at the discretion of the Director of the Department  
10 on Aging;

11 (9-a) Department of Healthcare and Family Services  
12 staff when that Department is funding services to the  
13 eligible adult, including access to the identity of the  
14 eligible adult;

15 (9-b) Department of Human Services staff when that  
16 Department is funding services to the eligible adult or is  
17 providing reimbursement for services provided by the  
18 abuser or alleged abuser, including access to the identity  
19 of the eligible adult;

20 (10) Hearing officers in the course of conducting an  
21 administrative hearing under this Act; parties to such  
22 hearing shall be entitled to discovery as established by  
23 rule; to determine whether a verified and substantiated  
24 finding of significant abuse, neglect, or financial  
25 exploitation of an eligible adult by a caregiver warrants  
26 reporting to the Health Care Worker Registry; and

1           (11) A caregiver who challenges placement on the  
2           Registry shall be given the statement of allegations in the  
3           abuse report and the substantiation decision in the final  
4           investigative report; and

5           (12) ~~(11)~~ The Illinois Guardianship and Advocacy  
6 Commission and the agency designated by the Governor under  
7 Section 1 of the Protection and Advocacy for  
8 Developmentally Disabled Persons Act shall have access,  
9 through the Department, to records, including the  
10 findings, pertaining to a completed or closed  
11 investigation of a report of suspected abuse, neglect,  
12 financial exploitation, or self-neglect of an eligible  
13 adult.

14 (Source: P.A. 97-864, eff. 1-1-13; 98-49, eff. 7-1-13.)

15 (320 ILCS 20/9) (from Ch. 23, par. 6609)

16 Sec. 9. Authority to consent to services.

17 (a) If an eligible adult consents to an assessment of a  
18 reported incident of suspected abuse, neglect, financial  
19 exploitation, or self-neglect and, following the assessment of  
20 such report, consents to services being provided according to  
21 the case plan, such services shall be arranged to meet the  
22 adult's needs, based upon the availability of resources to  
23 provide such services. If an adult withdraws his or her consent  
24 for an assessment of the reported incident or withdraws his or  
25 her consent for services and refuses to accept such services,

1 the services shall not be provided.

2 (b) If it reasonably appears to the Department or other  
3 agency designated under this Act that a person is an eligible  
4 adult and lacks the capacity to consent to an assessment of a  
5 reported incident of suspected abuse, neglect, financial  
6 exploitation, or self-neglect or to necessary services, the  
7 Department or other agency shall take appropriate action  
8 necessary to ameliorate risk to the eligible adult if there is  
9 a threat of ongoing harm or another emergency exists. The  
10 Department or other agency shall be authorized to seek the  
11 ~~notify the Illinois Guardianship and Advocacy Commission, the~~  
12 ~~Office of State Guardian, or any other appropriate agency, of~~  
13 ~~the potential need for~~ appointment of a temporary guardian as  
14 provided in Article XIa of the Probate Act of 1975 for the  
15 purpose of consenting to an assessment of the reported incident  
16 and such services, together with an order for an evaluation of  
17 the eligible adult's physical, psychological, and medical  
18 condition and decisional capacity.

19 (c) A guardian of the person of an eligible adult may  
20 consent to an assessment of the reported incident and to  
21 services being provided according to the case plan. If an  
22 eligible adult lacks capacity to consent, an agent having  
23 authority under a power of attorney may consent to an  
24 assessment of the reported incident and to services. If the  
25 guardian or agent is the suspected abuser and he or she  
26 withdraws consent for the assessment of the reported incident,

1 or refuses to allow services to be provided to the eligible  
2 adult, the Department, an agency designated under this Act, or  
3 the office of the Attorney General may request a court order  
4 seeking appropriate remedies, and may in addition request  
5 removal of the guardian and appointment of a successor guardian  
6 or request removal of the agent and appointment of a guardian.

7 (d) If an emergency exists and the Department or other  
8 agency designated under this Act reasonably believes that a  
9 person is an eligible adult and lacks the capacity to consent  
10 to necessary services, the Department or other agency may  
11 request an ex parte order from the circuit court of the county  
12 in which the petitioner or respondent resides or in which the  
13 alleged abuse, neglect, financial exploitation, or  
14 self-neglect occurred, authorizing an assessment of a report of  
15 alleged or suspected abuse, neglect, financial exploitation,  
16 or self-neglect or the provision of necessary services, or  
17 both, including relief available under the Illinois Domestic  
18 Violence Act of 1986 in accord with established law and  
19 Department protocols, procedures, and policies. Petitions  
20 filed under this subsection shall be treated as expedited  
21 proceedings. When an eligible adult is at risk of serious  
22 injury or death and it reasonably appears that the eligible  
23 adult lacks capacity to consent to necessary services, the  
24 Department or other agency designated under this Act may take  
25 action necessary to ameliorate the risk in accordance with  
26 administrative rules promulgated by the Department.

1           (d-5) For purposes of this Section, an eligible adult  
2 "lacks the capacity to consent" if qualified staff of an agency  
3 designated under this Act reasonably determine, in accordance  
4 with administrative rules promulgated by the Department, that  
5 he or she appears either (i) unable to receive and evaluate  
6 information related to the assessment or services or (ii)  
7 unable to communicate in any manner decisions related to the  
8 assessment of the reported incident or services.

9           (e) Within 15 days after the entry of the ex parte  
10 emergency order, the order shall expire, or, if the need for  
11 assessment of the reported incident or services continues, the  
12 provider agency shall petition for the appointment of a  
13 guardian as provided in Article XIa of the Probate Act of 1975  
14 for the purpose of consenting to such assessment or services or  
15 to protect the eligible adult from further harm.

16           (f) If the court enters an ex parte order under subsection  
17 (d) for an assessment of a reported incident of alleged or  
18 suspected abuse, neglect, financial exploitation, or  
19 self-neglect, or for the provision of necessary services in  
20 connection with alleged or suspected self-neglect, or for both,  
21 the court, as soon as is practicable thereafter, shall appoint  
22 a guardian ad litem for the eligible adult who is the subject  
23 of the order, for the purpose of reviewing the reasonableness  
24 of the order. The guardian ad litem shall review the order and,  
25 if the guardian ad litem reasonably believes that the order is  
26 unreasonable, the guardian ad litem shall file a petition with

1 the court stating the guardian ad litem's belief and requesting  
2 that the order be vacated.

3 (g) In all cases in which there is a substantiated finding  
4 of abuse, neglect, or financial exploitation by a guardian, the  
5 Department shall, within 30 days after the finding, notify the  
6 Probate Court with jurisdiction over the guardianship.

7 (Source: P.A. 98-49, eff. 7-1-13.)

8 (320 ILCS 20/13)

9 Sec. 13. Access.

10 (a) In accord with established law and Department  
11 protocols, procedures, and policies, the designated provider  
12 agencies shall have access to eligible adults who have been  
13 reported or found to be victims of abuse, neglect, financial  
14 exploitation, or self-neglect in order to assess the validity  
15 of the report, assess other needs of the eligible adult, and  
16 provide services in accordance with this Act.

17 (a-5) A representative of the Department or a designated  
18 provider agency that is actively involved in an abuse, neglect,  
19 financial exploitation, or self-neglect investigation under  
20 this Act shall be allowed access to the financial records,  
21 mental and physical health records, and other relevant  
22 evaluative records of the eligible adult which are in the  
23 possession of any individual, financial institution, health  
24 care provider, mental health provider, educational facility,  
25 or other facility if necessary to complete the investigation

1 mandated by this Act. The provider or facility shall provide  
2 such records to the representative upon receipt of a written  
3 request and certification from the Department or designated  
4 provider agency that an investigation is being conducted under  
5 this Act and that records are pertinent to the investigation.

6 Any records received by such representative, the  
7 confidentiality of which is protected by another law or rule,  
8 shall be maintained as confidential, except for such use as may  
9 be necessary for any administrative or other legal proceeding.

10 (b) Where access to an eligible adult is denied, including  
11 the refusal to provide requested records, the Office of the  
12 Attorney General, the Department, or the provider agency may  
13 petition the court for an order to require appropriate access  
14 where:

15 (1) a caregiver or third party has interfered with the  
16 assessment or service plan, or

17 (2) the agency has reason to believe that the eligible  
18 adult is denying access because of coercion, extortion, or  
19 justifiable fear of future abuse, neglect, or financial  
20 exploitation.

21 (c) The petition for an order requiring appropriate access  
22 shall be afforded an expedited hearing in the circuit court.

23 (d) If the provider agency has substantiated financial  
24 exploitation against an eligible adult, and has documented a  
25 reasonable belief that the eligible adult will be irreparably  
26 harmed as a result of the financial exploitation, the Office of

1 the Attorney General, the Department, or the provider agency  
2 may petition for an order freezing the assets of the eligible  
3 adult. The petition shall be filed in the county or counties in  
4 which the assets are located. The court's order shall prohibit  
5 the sale, gifting, transfer, or wasting of the assets of the  
6 eligible adult, both real and personal, owned by, or vested in,  
7 the eligible adult, without the express permission of the  
8 court. The petition to freeze the assets of the eligible adult  
9 shall be afforded an expedited hearing in the circuit court.

10 (Source: P.A. 96-526, eff. 1-1-10.)

11 (320 ILCS 20/15)

12 Sec. 15. ~~Abuse~~ Fatality Review Teams.

13 (a) State policy.

14 (1) Both the State and the community maintain a  
15 commitment to preventing the abuse, neglect, and financial  
16 exploitation of at-risk adults. This includes a charge to  
17 bring perpetrators of crimes against at-risk adults to  
18 justice and prevent untimely deaths in the community.

19 (2) When an at-risk adult dies, the response to the  
20 death by the community, law enforcement, and the State must  
21 include an accurate and complete determination of the cause  
22 of death, and the development and implementation of  
23 measures to prevent future deaths from similar causes.

24 (3) Multidisciplinary and multi-agency reviews of  
25 deaths can assist the State and counties in developing a

1 greater understanding of the incidence and causes of  
2 premature deaths and the methods for preventing those  
3 deaths, improving methods for investigating deaths, and  
4 identifying gaps in services to at-risk adults.

5 (4) Access to information regarding the deceased  
6 person and his or her family by multidisciplinary and  
7 multi-agency ~~at risk adult~~ fatality review teams is  
8 necessary in order to fulfill their purposes and duties.

9 (a-5) Definitions. As used in this Section:

10 "Advisory Council" means the Illinois ~~At-Risk Adult~~  
11 Fatality Review Team Advisory Council.

12 "Review Team" means a regional interagency ~~at-risk~~  
13 ~~adult~~ fatality review team.

14 (b) The Director, in consultation with the Advisory  
15 Council, law enforcement, and other professionals who work in  
16 the fields of investigating, treating, or preventing abuse or  
17 neglect of at-risk adults, shall appoint members to a minimum  
18 of one review team in each of the Department's planning and  
19 service areas. Each member of a review team shall be appointed  
20 for a 2-year term and shall be eligible for reappointment upon  
21 the expiration of the term. A review team's purpose in  
22 conducting review of at-risk adult deaths is: (i) to assist  
23 local agencies in identifying and reviewing suspicious deaths  
24 of adult victims of alleged, suspected, or substantiated abuse  
25 or neglect in domestic living situations; (ii) to facilitate  
26 communications between officials responsible for autopsies and

1 inquests and persons involved in reporting or investigating  
2 alleged or suspected cases of abuse, neglect, or financial  
3 exploitation of at-risk adults and persons involved in  
4 providing services to at-risk adults; (iii) to evaluate means  
5 by which the death might have been prevented; and (iv) to  
6 report its findings to the appropriate agencies and the  
7 Advisory Council and make recommendations that may help to  
8 reduce the number of at-risk adult deaths caused by abuse and  
9 neglect and that may help to improve the investigations of  
10 deaths of at-risk adults and increase prosecutions, if  
11 appropriate.

12 (b-5) Each such team shall be composed of representatives  
13 of entities and individuals including, but not limited to:

14 (1) the Department on Aging;

15 (2) coroners or medical examiners (or both);

16 (3) State's Attorneys;

17 (4) local police departments;

18 (5) forensic units;

19 (6) local health departments;

20 (7) a social service or health care agency that  
21 provides services to persons with mental illness, in a  
22 program whose accreditation to provide such services is  
23 recognized by the Division of Mental Health within the  
24 Department of Human Services;

25 (8) a social service or health care agency that  
26 provides services to persons with developmental

1 disabilities, in a program whose accreditation to provide  
2 such services is recognized by the Division of  
3 Developmental Disabilities within the Department of Human  
4 Services;

5 (9) a local hospital, trauma center, or provider of  
6 emergency medicine;

7 (10) providers of services for eligible adults in  
8 domestic living situations; and

9 (11) a physician, psychiatrist, or other health care  
10 provider knowledgeable about abuse and neglect of at-risk  
11 adults.

12 (c) A review team shall review cases of deaths of at-risk  
13 adults occurring in its planning and service area (i) involving  
14 blunt force trauma or an undetermined manner or suspicious  
15 cause of death, (ii) if requested by the deceased's attending  
16 physician or an emergency room physician, (iii) upon referral  
17 by a health care provider, (iv) upon referral by a coroner or  
18 medical examiner, (v) constituting an open or closed case from  
19 an adult protective services agency, law enforcement agency,  
20 State's Attorney's office, or the Department of Human Services'  
21 Office of the Inspector General that involves alleged or  
22 suspected abuse, neglect, or financial exploitation; or (vi)  
23 upon referral by a law enforcement agency or State's Attorney's  
24 office. If such a death occurs in a planning and service area  
25 where a review team has not yet been established, the Director  
26 shall request that the Advisory Council or another review team

1 review that death. A team may also review deaths of at-risk  
2 adults if the alleged abuse or neglect occurred while the  
3 person was residing in a domestic living situation.

4 A review team shall meet not less than 6 times a year to  
5 discuss cases for its possible review. Each review team, with  
6 the advice and consent of the Department, shall establish  
7 criteria to be used in discussing cases of alleged, suspected,  
8 or substantiated abuse or neglect for review and shall conduct  
9 its activities in accordance with any applicable policies and  
10 procedures established by the Department.

11 (c-5) The Illinois ~~At-Risk Adult~~ Fatality Review Team ~~Teams~~  
12 Advisory Council, consisting of one member from each review  
13 team in Illinois, shall be the coordinating and oversight body  
14 for review teams and activities in Illinois. The Director may  
15 appoint to the Advisory Council any ex-officio members deemed  
16 necessary. Persons with expertise needed by the Advisory  
17 Council may be invited to meetings. The Advisory Council must  
18 select from its members a chairperson and a vice-chairperson,  
19 each to serve a 2-year term. The chairperson or  
20 vice-chairperson may be selected to serve additional,  
21 subsequent terms. The Advisory Council must meet at least 4  
22 times during each calendar year.

23 The Department may provide or arrange for the staff support  
24 necessary for the Advisory Council to carry out its duties. The  
25 Director, in cooperation and consultation with the Advisory  
26 Council, shall appoint, reappoint, and remove review team

1 members.

2 The Advisory Council has, but is not limited to, the  
3 following duties:

4 (1) To serve as the voice of review teams in Illinois.

5 (2) To oversee the review teams in order to ensure that  
6 the review teams' work is coordinated and in compliance  
7 with State statutes and the operating protocol.

8 (3) To ensure that the data, results, findings, and  
9 recommendations of the review teams are adequately used in  
10 a timely manner to make any necessary changes to the  
11 policies, procedures, and State statutes in order to  
12 protect at-risk adults.

13 (4) To collaborate with the Department in order to  
14 develop any legislation needed to prevent unnecessary  
15 deaths of at-risk adults.

16 (5) To ensure that the review teams' review processes  
17 are standardized in order to convey data, findings, and  
18 recommendations in a usable format.

19 (6) To serve as a link with review teams throughout the  
20 country and to participate in national review team  
21 activities.

22 (7) To provide the review teams with the most current  
23 information and practices concerning at-risk adult death  
24 review and related topics.

25 (8) To perform any other functions necessary to enhance  
26 the capability of the review teams to reduce and prevent

1 at-risk adult fatalities.

2 The Advisory Council may prepare an annual report, in  
3 consultation with the Department, using aggregate data  
4 gathered by review teams and using the review teams'  
5 recommendations to develop education, prevention, prosecution,  
6 or other strategies designed to improve the coordination of  
7 services for at-risk adults and their families.

8 In any instance where a review team does not operate in  
9 accordance with established protocol, the Director, in  
10 consultation and cooperation with the Advisory Council, must  
11 take any necessary actions to bring the review team into  
12 compliance with the protocol.

13 (d) Any document or oral or written communication shared  
14 within or produced by the review team relating to a case  
15 discussed or reviewed by the review team is confidential and is  
16 not admissible as evidence in any civil or criminal proceeding,  
17 except for use by a State's Attorney's office in prosecuting a  
18 criminal case against a caregiver. Those records and  
19 information are, however, subject to discovery or subpoena, and  
20 are admissible as evidence, to the extent they are otherwise  
21 available to the public.

22 Any document or oral or written communication provided to a  
23 review team by an individual or entity, and created by that  
24 individual or entity solely for the use of the review team, is  
25 confidential, is not subject to disclosure to or discoverable  
26 by another party, and is not admissible as evidence in any

1 civil or criminal proceeding, except for use by a State's  
2 Attorney's office in prosecuting a criminal case against a  
3 caregiver. Those records and information are, however, subject  
4 to discovery or subpoena, and are admissible as evidence, to  
5 the extent they are otherwise available to the public.

6 Each entity or individual represented on the ~~abuse~~ fatality  
7 review team may share with other members of the team  
8 information in the entity's or individual's possession  
9 concerning the decedent who is the subject of the review or  
10 concerning any person who was in contact with the decedent, as  
11 well as any other information deemed by the entity or  
12 individual to be pertinent to the review. Any such information  
13 shared by an entity or individual with other members of the  
14 review team is confidential. The intent of this paragraph is to  
15 permit the disclosure to members of the review team of any  
16 information deemed confidential or privileged or prohibited  
17 from disclosure by any other provision of law. Release of  
18 confidential communication between domestic violence advocates  
19 and a domestic violence victim shall follow subsection (d) of  
20 Section 227 of the Illinois Domestic Violence Act of 1986 which  
21 allows for the waiver of privilege afforded to guardians,  
22 executors, or administrators of the estate of the domestic  
23 violence victim. This provision relating to the release of  
24 confidential communication between domestic violence advocates  
25 and a domestic violence victim shall exclude adult protective  
26 service providers.

1           A coroner's or medical examiner's office may share with the  
2 review team medical records that have been made available to  
3 the coroner's or medical examiner's office in connection with  
4 that office's investigation of a death.

5           Members of a review team and the Advisory Council are not  
6 subject to examination, in any civil or criminal proceeding,  
7 concerning information presented to members of the review team  
8 or the Advisory Council or opinions formed by members of the  
9 review team or the Advisory Council based on that information.  
10 A person may, however, be examined concerning information  
11 provided to a review team or the Advisory Council.

12           (d-5) Meetings of the review teams and the Advisory Council  
13 may be closed to the public under the Open Meetings Act.  
14 Records and information provided to a review team and the  
15 Advisory Council, and records maintained by a team or the  
16 Advisory Council, are exempt from release under the Freedom of  
17 Information Act.

18           (e) A review team's recommendation in relation to a case  
19 discussed or reviewed by the review team, including, but not  
20 limited to, a recommendation concerning an investigation or  
21 prosecution, may be disclosed by the review team upon the  
22 completion of its review and at the discretion of a majority of  
23 its members who reviewed the case.

24           (e-5) The State shall indemnify and hold harmless members  
25 of a review team and the Advisory Council for all their acts,  
26 omissions, decisions, or other conduct arising out of the scope

1 of their service on the review team or Advisory Council, except  
2 those involving willful or wanton misconduct. The method of  
3 providing indemnification shall be as provided in the State  
4 Employee Indemnification Act.

5 (f) The Department, in consultation with coroners, medical  
6 examiners, and law enforcement agencies, shall use aggregate  
7 data gathered by and recommendations from the Advisory Council  
8 and the review teams to create an annual report and may use  
9 those data and recommendations to develop education,  
10 prevention, prosecution, or other strategies designed to  
11 improve the coordination of services for at-risk adults and  
12 their families. The Department or other State or county agency,  
13 in consultation with coroners, medical examiners, and law  
14 enforcement agencies, also may use aggregate data gathered by  
15 the review teams to create a database of at-risk individuals.

16 (g) The Department shall adopt such rules and regulations  
17 as it deems necessary to implement this Section.

18 (Source: P.A. 98-49, eff. 7-1-13.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."